

CHAPTER 3

COMMUNICATION ACCESS REQUIREMENTS

Departments and agencies of the State of Hawaii shall ensure that people with communication disabilities are provided a means of communication that is as effective as that provided to people without disabilities.

This commitment is reaffirmed in Governor's Administrative Directive 97-02.

☞ Refer to **ATTACHMENT D** for the Governor's Administrative Directive No. 97-02: *Communication Access for Persons with Disabilities to Programs, Services, and Activities of the State of Hawaii.*

Departments and agencies of the State of Hawaii must provide effective means of communication to people who have visual, hearing, speech, or cognitive disabilities. Communication support must be provided in a manner that enables people who have disabilities to participate on an equal basis with all others, unless to do so would result in a fundamental alteration to the program or activity, or would result in an undue financial or administrative burden.

In order to ensure effective communication, state departments and agencies are required to make available appropriate auxiliary aids and services upon the request of a qualified person with a disability.

State departments and agencies may not charge individuals with disabilities for the cost of providing communication access. They must build into the budget for the program, service, or activity the costs of auxiliary aids and services such as sign language interpreters, Braille, etc., by spreading the costs to all participants. (Refer to Section 2.3 on Surcharges for more information.)

EXAMPLE: The Department of Taxation offers a free workshop for the public on new tax regulations. A person who is deaf wishes to attend the workshop and requests a sign language interpreter for the hour-long session. The cost of the sign language interpreter is \$38. The department may not charge the person who is deaf for the cost of the sign language interpreter.

EXAMPLE: If the same workshop held by the Department of Taxation (mentioned in the example immediately above) costs \$10 for all participants, then the person who is deaf can be required to pay the same \$10 as everyone else, but no more. The cost of providing the sign language interpreter can be built into the overall cost, perhaps by increasing the registration fee for all participants to \$12.

Auxiliary aids and services include a wide variety of equipment, materials, and personal services that may be used to provide effective communication for people who have visual, hearing, speech, or cognitive disabilities.

3.1 How to choose the type of auxiliary aid or service

Departments and agencies must provide an opportunity for individuals who have disabilities to request the auxiliary aids and services of their choice and must give "primary consideration" to the choice expressed by the individual. "Primary consideration" means that the state department or agency must honor the choice, unless it can demonstrate that another equally effective means of communication is available, or that using the means chosen would result in a fundamental alteration in the service, program, or activity or in an undue financial or administrative burden.

After receiving a request, departments and agencies should consult with the individual making the request to determine the most appropriate auxiliary aid or service. The individual who has a disability is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective. What works for one person who has a disability may not work for another person with the same disability.

EXAMPLE: An individual who is deaf from birth or who lost his or her hearing before acquiring language may use sign language as his or her primary form of communication and may not be comfortable or proficient with written English, making the use of a notepad an ineffective means of communication. On the other hand, an individual who lost his or her hearing later in life may not be familiar with sign language. For that person, effective communication may be through writing.

EXAMPLE: An individual who is blind from birth and learned to use braille may find that materials in braille format are easiest to read and comprehend. The individual may or may not have enough residual vision to read large print materials. On the other hand, an elderly person who has slowly lost vision may have never learned braille. For that person, a braille transcript may be useless. Large print or audio tape may be more appropriate.

In deciding upon the type of auxiliary aid to be provided, the department or agency must take into consideration a number of factors:

- Duration (length of time) of the communication is a factor. Longer, more detailed exchanges often require more powerful and faster modes of communication.
- The context in which the communication is taking place is a factor. Communication during a workshop may be different from a one-to-one over-the-counter transaction where the communication can be slowed to a comfortable pace or where repetition is easier. Environmental conditions, such as the difference between a structured office setting and an outdoor recreational setting will influence the effectiveness of the communication.

- The number of people involved is a factor. Communication techniques that are effective between two people might not work well in a group context due to the difficulty of understanding multiple simultaneous conversations.
- The importance of the communication is a factor. Some communications, such as those involving legal, financial, health and safety issues, are more important than others and should be provided in ways that guard carefully against errors, omissions and misunderstandings. In all circumstances, the importance of the communication, the potential impact of the information, and the consequences of conveying incorrect information should be taken into consideration. Providing information on a person's delinquent tax payments has more financial and legal impact and consequences to a person than directions to the nearest bus stop.

In general, the longer, more complex and important communications require more analysis on the part of the department or agency to ensure that the highest and most effective communication has been provided.


EXAMPLE: A person who is hard of hearing goes to the Department of Labor and Industrial Relations seeking job assistance. He or she may be able to understand one-to-one conversation in a quiet office setting by lip-reading and paper and notepad when asking for enrollment forms in a jobs program. However, once in the job skills class, he or she may not be able to lip-read adequately in a group setting, in which case a sign language interpreter or computer assisted note taker, or other assistive listening device may be needed.

EXAMPLE: A person who is deaf is having lunch in the cafeteria of a hospital of the Hawaii Health Systems Corporation while visiting the hospital to discuss medical treatment options. The person is unable to lip-read and generally communicates in sign language. For short exchanges with cafeteria employees, a pen and paper or expressive gesturing may be enough to ensure effective communication. Providing a printed menu or menu with pictures would also ensure effective communication. When the person visits a physician to discuss medical treatment options with a team of doctors, the importance of the material being communicated indicates that an interpreter is most likely needed.

3.2 Auxiliary aids and services for people who are deaf, hard of hearing, or deaf-blind

If a program or service provided by the State of Hawaii transmits or gives out information in audio or verbal format, it may be necessary to provide an alternate format for a person who is deaf or hard of hearing.

Keep in mind that the type of auxiliary aid or service will depend on the individual's preferred mode of communication. A person who is deaf or hard of hearing should be able to communicate with others as effectively as others participating in the program or service.

 Refer to **ATTACHMENT E** for communication tips with individuals who are deaf, hard of hearing, or deaf-blind.

Providing effective communication may require an auxiliary aids or services. Examples of auxiliary aids or services for people who are deaf or hard of hearing include, but are not limited to:

- qualified interpreters
- note takers or computer assisted notetakers
- written material
- real-time transcriptions or video text displays
- amplified and hearing-aid compatible telephones
- assistive listening devices
- open and closed captioning
- caption decoders
- TTYs (teletypewriters), TDDs (telephone devices for the deaf) or Text Telephones

Several chapters and their corresponding attachments in this Manual provide more information on the above examples. In particular, **Chapter 8** provides information on communication relating to the phone service and **Chapter 9** provides information on auxiliary services and **Chapter 11** provides information on audio and audiovisual communications, and **Chapter 12** provides information onsite accessibility, including provisions for people who are deaf and hard of hearing.

3.3 Auxiliary aids and services for people with visual impairments

If a program or service provided by the State of Hawaii transmits or gives our information in printed or written format, it may be necessary to provide an alternate format for a person who has a visual impairment. In addition, if participation in a program or service requires navigation and sight, assistance may also be necessary.

Keep in mind that the preferred auxiliary aid or service will depend on the individual's preferred mode of communication.

Auxiliary aids and services for people who have visual disabilities include, but are not limited to:

- print information provided on tape cassettes, on computer diskettes, in Braille and in large print, or read by skilled readers;
- verbal descriptions of action and visual information to enhance the accessibility of performances and presentations;
- a staff member serving as a guide to enable a person who has limited vision to locate items or to find his or her way along an unfamiliar route.

Providing a reader does not mean that it is necessary to hire a full-time person for this service. The responsibilities of a reader may often be fulfilled by an employee who performs other duties; alternatively, a free-lance reader could be hired on an hourly basis. However, a reader for a person who is visually impaired must read well enough to enable the individual to effectively participate in the program or service. It would not be an effective auxiliary aid to provide a reader with poor reading skills. This would hinder the participation of the individual who has a disability.

EXAMPLE: A person who is blind goes to the Department of Taxation and requests assistance with tax forms. The person may find that having a staff person read the instructions to determine which forms are appropriate is sufficient to determine what forms to take home. However, when the person needs instructions on how to fill out the form and calculate figures, informal reading may not be enough. Large print, Braille, or audiocassette instructions, as appropriate to the person's skills, would likely be needed.

When choosing to put materials in an alternate format, several options can be undertaken.

Several chapters and their corresponding attachments in this Manual provide more information on the above examples. Of particular importance to serving individuals who are blind or who have low vision, **Chapter 4** provides information on printed information, **Chapter 5** provides information on announcements and publicity materials, and **Chapter 12** provides information onsite accessibility, including provisions for individuals who are visually impaired.

3.4 Auxiliary aids and services for people who have cognitive disabilities

Individuals with cognitive disabilities, a broad term covering a variety of conditions including mental retardation, head injury, mental illness, and learning disabilities often have difficulty processing information which is complex or not presented in an easily understood manner. The key to

providing effective communication is often to utilize a communication style which is easy to understand, although it is not always possible to have the person understand all of the information presented, if their disability limits their mental processing. However, every opportunity should be made to ensure that information is understood, and that may mean providing an auxiliary aids or services.

- readers
- communication assistants
- rewording of information to use clear and concise language or repetition
- pictograms
- graphic presentation of information

3.5 Auxiliary aids and services for people with speech impairments

Providing information, either in print or written format, is not usually a communication barrier to people with speech impairments, unless there is another disability also present. A person with a speech impairment has difficulty sending, not receiving information. The auxiliary aid or service is intended for the receiver of information, usually the staff of a state program or service, to understand the communication contents of the person with a speech impairment.

The most effective auxiliary aid or service for a person with a speech impairment is usually:

- written material
- more active and acute listening on the part of the listener

Often, a person with a speech impairment who knows that his or her speech may be difficult to understand will choose to put as much communication in writing. If that is not possible, then other options are:

- communication assistants who are familiar with the individual's speech pattern and who repeat the context of the individual's statement in clear voice
- notetakers
- typewriters or other devices such as TTYs, TDDs, or Text Telephones used also by individuals who are deaf or hard of hearing